

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 4, 2002

IN RE:

**PETITION FOR APPROVAL OF
AMENDMENT TO INTERCONNECTION
AGREEMENT BETWEEN CITIZENS
TELECOMMUNICATIONS COMPANY
OF TENNESSEE, LLC D/B/A FRONTIER
COMMUNICATIONS OF TENNESSEE
AND NTCH-ET, INC.**

DOCKET NO. 02-01091

**ORDER APPROVING
AMENDMENT TO THE INTERCONNECTION AGREEMENT**

This matter came before Chairman Sara Kyle, Director Pat Miller, and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 4, 2002 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the amendment to the interconnection and traffic interchange agreement for cellular and other 2-way radio services negotiated between Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee and NTCH-ET, Inc.

The original interconnection agreement between these parties was filed on August 9, 2001 and was assigned Docket No. 01-00703. It was approved at a regularly scheduled Authority Conference on October 9, 2001. The first amendment, which is the subject of this docket, was filed on September 30, 2002.

Based upon a review of the first amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee service area.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) No person or entity has sought to intervene in this docket.
- 6) This is an amendment to the agreement for the provision of commercial mobile radio services and is not an agreement between competing carriers.

¹ See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

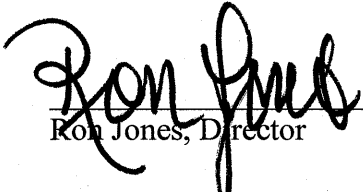
7) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the first amendment to the interconnection and traffic interchange agreement for cellular and other 2-way mobile radio services negotiated between Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee and NTCH-ET, Inc. is approved and is subject to the review of the Authority as provided herein.


Sara Kyle, Chairman


Pat Miller, Director


Ron Jones, Director